

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Application:	10/736,421	Examiner:	Williams, Catherine Serke
Filed:	December 15, 2003	Art Unit:	3763
Inventor:	Freeman, et al.	Atty Ref.:	END5051USNP-0515141
Title:	<b>METHOD AND DEVICE FOR MINIMALLY INVASIVE IMPLANTATION OF BIOMATERIAL</b>		

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**RESPONSE TO SECOND RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On 07/13/2007, the Office mailed a first Restriction Requirement, requiring an Election to be made between Group I (claims 1-47) and Group II (claims 48-60). In response, Applicant elected to prosecute the claims of Group I (claims 1-47) on 08/03/2007.

On 10/19/2007, the Office mailed a second Restriction Requirement, requiring an election to be made from the following species: film, patch, and core jacketed with a permeability selective membrane. The Office noted that claims 1-9, 11-24, and 38-47 were generic.

This paper is being filed in response to the Restriction Requirement mailed on 10/19/2007.

Applicant hereby elects to prosecute the species including the core jacketed with a permeability selective membrane, without traverse. As noted by the Office, claims 1-9, 11-24,

and 38-47 all read on this species. In addition, claims 27-28 and 31-37 read on the elected species. Therefore, claims 1-9, 11-24, 27-28, and 31-47 remain under active prosecution. While Applicant does not traverse the present Restriction Requirement, Applicant makes the present election without prejudice, and reserves the right to pursue the non-elected claims at a later date, including but not limited to such date when one or more generic claims are deemed allowable.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'A. B. Ulmer', written over a horizontal line.

Andrew B. Ulmer (Reg. No. 57,003)  
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